

TATE OF GUJARAT & ANR. v. ALOK PRATAP SINGH & ORS. [2010] INSC 71 (28 January 2010)

Judgement IN THE SUPREME COURT OF INDIA CIVIL APPELATE JURISDICTION CIVIL APPEAL NO. 1136 OF 2010 (@ SPECIAL LEAVE PETITION(C)NO.3665 OF 2010 @ CC NO.292) STATE OF GUJARAT & ANR. ... APPELLANTS(S) VERSUS WITH CIVIL APPEAL NO. 1137 OF 2010 @ SLP(C)NO.21936/2008
O R D E R Permission to file SLP granted.

Leave granted.

The State of Gujarat has challenged the order(s) passed by the High Court of Madhya Pradesh in these appeals. About 315 M.T.s of waste lying at Union Carbide India Ltd. factory at Bhopal was sought to be incinerated at BEIL, Ankleshwar in Gujarat. The Madhya Pradesh State Pollution Control Board sought a direction from the High Court of M.P. to incinerate the waste at Ankleshwar in Gujarat.

This was objected to by the State of Gujarat.

Notices were issued to the respondents. After series of deliberations with the counsel on either sides/parties and in view of the dispute between the two States on 19.01.2009, this Court requested the Union of India (Ministry of Chemicals & Fertilizers) to constitute/have a High Level meeting/committee to discuss with the representatives of the States of Gujarat and Madhya Pradesh and to find out some reasonable solution for the disputes. It was also indicated that the Committee so constituted may also take the advise of the Central Pollution Control Board and the State 2 Pollution Control Boards in arriving at an appropriate decision.

The task force which was constituted pursuant to the directions of this Court had held a meeting on 05.01.2010 and took certain decisions and a copy of the Minutes of the Meeting so held by the task force has been produced before this Court and it is also to be noticed therein that the Principal Secretary, Housing and Environment Department, Govt. of M.P., briefed the task force on the status of operationalization of incinerator at TSDF, Pithampur and the facility was to be ready by November, 2009 but it has been delayed and under Section 5 of the Environment Protection Act, 1986 given directions to the operator of the

incinerator at TSDF Pithampur for installation of Multi Effect Evaporator which involves both cost and further delay; the Chairman of the Task Force had requested the Senior Scientist of CPCB for his comments and it was agreed that a conditional clearance would be given by CPCB for the trial run and stabilization of incinerator at TSDF, Pithampur and the whole process would be completed within a time bound schedule. Learned counsel appearing for the State of Madhya Pradesh submitted that necessary approval regarding the same would be processed and granted by the appropriate authorities, including the Director of Health and Safety, Indore, the Forest Department of the State Government and a joint inspection by CPCB and the State Pollution Control Board would be conducted. After the completion of the above task, the trial run permission will be given after the stabilization work is over and the trial run will be conducted with other industrial waste. We record the same and we request the 3 appropriate authorities to comply with the above directions and the appeals are accordingly allowed. No costs.

CPCB has also given the modified directions, which are also to be complied with by the appropriate authorities.

.....CJI (K.G. BALAKRISHNAN)J.

(J.M.PANCHAL)J.

(Dr. B.S. CHAUHAN) NEW DELHI;